

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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ALEX E. WOMACK,

Case No. 08-CV-0091 (PJS/SRN)

Petitioner,

ORDER ADOPTING REPORT AND  
RECOMMENDATION

v.

WARDEN RIOS,

Respondent.

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Alex E. Womack, petitioner pro se.<sup>1</sup>

Kimberley A. Svendsen, Assistant United States Attorney, UNITED STATES  
ATTORNEY'S OFFICE, for respondent.

This matter is before the Court on petitioner Alex E. Womack's objection to Magistrate Judge Susan R. Nelson's Report and Recommendation ("R&R") filed January 11, 2008. Judge Nelson recommends that Womack's petition for habeas corpus under 28 U.S.C. § 2241 be dismissed for lack of jurisdiction.

The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court overrules Womack's objections and adopts the R&R.

ORDER

Based on all of the files, records, and proceedings herein, the Court ADOPTS the R&R [Docket No. 3]. IT IS HEREBY ORDERED that:

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<sup>1</sup>The Court notes that petitioner's name appears as "Alex E. Womack, Jr." in the petition and on the docket, but that elsewhere in the record petitioner is identified as "Alex E. Womack, Sr."

1. Petitioner's 28 U.S.C. § 2241 petition for writ of habeas corpus [Docket No. 1] is  
DISMISSED WITHOUT PREJUDICE for lack of jurisdiction.
2. Petitioner's motion for leave to proceed *in forma pauperis* [Docket No. 4] is  
DENIED AS MOOT.

Dated: February 5, 2008

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge